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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,918	10/30/2003	Bryan Christopher Chagoly	AUS920030809US1	9646

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/697,918

Applicant(s)

CHAGOLY ET AL.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 10/30/03, the following is a non-final first office action. Claims 1-21 are pending in this application and have been examined on the merits. Claims 1-21 are rejected as follows.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

As per claim 21, the preamble of this claim discloses: "A computer program product, in a computer readable medium". However, this claim does not specifically disclose that the computer program product is executed by the computer readable medium. In order for the computer program product to complete the necessary steps for carrying out a method of data processing, the computer program needs to be executable by the computer readable medium. Since this claim does not specify that the computer program is executed by the computer readable medium, it is therefore not possible for a concrete or tangible result to be produced. This claim is therefore considered non-statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 7-11, 13, 14, 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Squire et al (US 6,970,101).

As per claim 1, Squire et al discloses:

providing a user profile containing data concerning preferred parking parameters to a parking space, (Col. 11, lines 30-33, and lines 51-53, providing/submitting customer preferences to receive assignment of a parking space, which is communicated to a database processor);

providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system, (Abstract, lines 2-4, identifying characteristics of parking spaces stored in database);

determining a list of available parking spaces, (Col. 12, lines 46-48, list of available parking spaces is sorted); and

responsive to a user communication with the parking management system, providing an optimal available parking space based on the user profile, the parking

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database, and the list of available parking spaces, (Col. 7, line 66-Col. 8, line 2, determines optimal match of customer preferences and available parking spaces, w/Col. 12, lines 48-50, list is displayed and a ticket with a parking space number is printed and available to customer).

As per claims 3, 13, Squire et al discloses:

wherein the data concerning preferred parking parameters includes a set of parameters and, for each parameter within the set of parameters, a preference value and a priority, (col. 8, lines 25-31, prioritized list, w/ col. 10, lines 18-37, list of customer preferences is stored to represent each preference relative to importance, especially, lines 22-32, [see chart], where the set of parameters = handicapped parking, safety level, etc, preference values = 1,2, and priority = P1, P2, etc).

As per claims 4, 14, Squire et al discloses:

wherein the user profile is a default profile, (Col. 10, lines 14-17, some data regarding customer preference may be assessed automatically, w/ lines 33-34, default value applied).

As per claims 7, 17, Squire et al discloses:

wherein the parking parameters include *at least one* of an identification, an indication of whether a parking space is occupied, an indication of whether the parking space is designated as handicapped, an indication of whether a pole is on one side of the parking space, a distance from an elevator lobby, a distance from an entrance or exit, and an indicator of whether the parking space is on an end of a row, (Col. 9, line 15, parking space descriptor includes handicapped parking).

As per claims 8, 18, Squire et al discloses:

wherein determining a list of available parking spaces includes receiving sensor information from a plurality of sensors, wherein each sensor within the plurality of sensors indicates whether a given parking space is occupied, (Col. 7, lines 4-12, vehicle sensor).

As per claims 9, 19, Squire et al discloses:

wherein providing an optimal available parking space includes outputting the optimal available parking space to an output device, (Col. 8, lines 27-28, prioritized list can be displayed).

As per claim 10, 20, Squire et al discloses:

wherein output device is one of a display and a printer, (Col. 8, lines 27-28, displayed or printed).

As per claim 11, Squire et al discloses:

a parking management system, (Col. 2, line 58, parking management system);
a user profile containing data concerning preferred parking parameters to a parking space, (Col. 11, lines 30-33, and lines 51-53, providing/submitting customer preferences to receive assignment of a parking space, which is communicated to a database processor); and

a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system,
(Abstract, lines 2-4, identifying characteristics of parking spaces stored in database).

wherein the parking management system determines a list of available parking spaces and, responsive to a user communication with the parking management system, provides an optimal available parking space based on the user profile, the parking database, and the list of available parking spaces, responsive to a user communication with the parking management system, providing an optimal available parking space based on the user profile, the parking database, and the list of available parking spaces, (Col. 7, line 66-Col. 8, line 2, determines optimal match of customer preferences and available parking spaces, w/Col. 12, lines 46-50, list is available parking spaces sorted. displayed, and a ticket with a parking space number is printed and available to customer).

As per claim 21, Squire et al discloses:

instructions for determining a list of available parking spaces, (Col. 12, lines 46-48, list of available parking spaces is sorted); and

instructions, responsive to a user communication with a parking management system, for providing an optimal available parking space based on a user profile, (Col. 7, line 66-Col. 8, line 2, determines optimal match of customer preferences and available parking spaces, w/Col. 12, lines 48-50, list is displayed and a ticket with a parking space number is printed and available to customer), containing data concerning preferred parking parameters to a parking space, (Col. 22, lines 30-33, providing/submitting customer preferences to receive assignment of a parking space), a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system, (Abstract, lines 2-4,

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identifying characteristics of parking spaces stored in database), and the list of available parking spaces, (Col. 12, lines 46-48, list of available parking spaces is sorted).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 5, 6, 12, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al (US 6,970,101) as applied to claim 1 above, and further in view of Zeitman (US 5,940,481).

As per claim 2, Squire et al does not specifically disclose wherein the user profile includes an identification of a user, but does disclose a database that includes customer preferences in order to identify information about parking with the customer in Col. 11, lines 30-33, and lines 51-53.

However, Zeitman discloses:

wherein the user profile includes an identification of a user, (Col. 1, lines 46-49, database includes a user identification, along with parking facility availability). Zeitman discloses this limitation in an analogous art for the purpose of identifying a user with information about parking facility availability through a database.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the user profile to include an identification of a user with the

motivation of identifying the user profile having parking characteristics with a user identification through a database.

As per claims 5, 12, 15, Squire et al does not specifically disclose wherein the user profile is selected responsive to receiving an identification of a user, but does disclose a database that includes customer preferences in order to identify information about parking with the customer in Col. 11, lines 30-33, and lines 51-53.

However, Zeitman discloses:

wherein the user profile is selected responsive to receiving an identification of a user, (Col. 4, lines 16-23, user ID read to determine the user's specifics pertaining to a parking reservation). Zeitman discloses this limitation in an analogous art for the purpose of identifying a user with information about parking facility availability through a database.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the user profile to be selected responsive to receiving an identification of a user with the motivation of identifying the user profile having parking characteristics with a user identification through a database.

As per claims 6, 16, Squire et al does not specifically disclose wherein the identification of the user is received by one of a card reader and a keypad interface, but does disclose a database that includes customer preferences in order to identify information about parking with the customer in Col. 11, lines 30-33, and lines 51-53.

However, Zeitman discloses:

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wherein the identification of the user is received by one of a card reader and a keypad interface, (Col. 4, lines 16-23, card reader reads user identification data). Zeitman discloses this limitation in an analogous art for the purpose of using a card reader to identify a user with information about parking facility availability through a database.

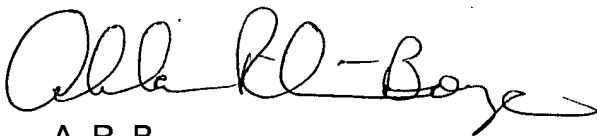
It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the identification of the user to be received by one of a card reader and a keypad interface with the motivation of identifying the user profile having parking characteristics with a user identification through a database.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'Akiba K Robinson-Boyce', with a stylized, flowing script.

A. R. B.
December 19, 2006